

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:	PROMESA Title III
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,	
as representative of	
THE COMMONWEALTH OF PUERTO RICO <u>et al.</u> ,	Case No. 17 BK 3283-LTS
Debtors. ¹	(Jointly Administered)

ORDER STRIKING CARLOS LAMOUTTE'S INFORMATIVE MOTION TO
PLACE UNDER JUDICIAL NOTICE CERTAIN ADJUDICATIVE FACTS
PURSUANT TO RULE 201 OF THE FEDERAL RULES OF EVIDENCE

The Court has received and reviewed the *Carlos Lamoutte's Informative Motion to Place Under Judicial Notice Certain Adjudicative Facts Pursuant to Rule 201 of the Federal rules of Evidence* (Docket Entry No. 22401 in Case No. 17-3283)² (the "Informative Motion"), filed by Carlos Lamoutte ("Movant").

Although the Motion refers to numerous prior filings by Movant, the Informative Motion principally relates to Movant's *Motion to Intervene and to Inform the Existence and Continuance of Unresolvable Conflicts of Interest in Violation of the Puerto Rico Recovery Accuracy in Disclosures Act of 2021*, 48 U.S.C. 2101 et seq., and Petition for: (A) the Permanent Disqualification of McKinsey & Company, Inc. and Its Affiliates as Advisors to the Financial Oversight and Management Board for Puerto Rico, and (B) the Disallowment and Disgorgement of Legal Fees (Docket Entry No. 22025 in Case No. 17-3283) (the "Motion to Disqualify"), which has been fully briefed and remains sub judice. In substance, the Informative Motion is an

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² All docket entry references herein are to the docket of Case No. 17-3283.

untimely additional reply brief that has been submitted by Movant without leave of Court, notwithstanding that Movant already filed a timely reply brief just eight days ago. (See Docket Entry No. 22320.)

Section III.L of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* (Docket Entry No. 20190-1) provides that “[s]ur-replies shall not be permitted or considered unless authorized by the Court.” This is the third time that the Court has issued an order bringing this requirement to Movant’s attention. (See Order Granting O’Neill & Borges LLC’s Motion to Strike Informative Motion Filed by Carlos Lamoutte, Docket Entry No. 21970; Order Denying Motion Requesting Reconsideration of “Order Granting O’Neill & Borges LLC’s Motion to Strike Informative Motion Filed by Carlos Lamoutte” Issued on August 30, 2022 Docket Entry No. 21,970, Docket Entry No. 22020.) The Court’s review of the Informative Motion reveals that it both restates arguments and factual allegations already thoroughly addressed in briefing the Motion to Disqualify and raises facts and arguments that readily could have been proffered by Movant in all material respects when he filed his reply on September 20, 2022. As such, were the Court to construe the Informative Motion as a request to file a sur-reply, the Court would deny such request.

Accordingly, the Informative Motion is hereby stricken.

SO ORDERED.

Dated: September 28, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge